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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 JAMES BRADY, *et al.*,

No. C 08-177 SI

9 Plaintiffs,

ORDER RE: DISCOVERY

10 v.

11 DELOITTE & TOUCHE LLP,

12 Defendant.
13 _____/

14 The parties have filed a letter requesting assistance with a discovery dispute. Docket No. 102.
15 Plaintiffs have noticed three four-hour depositions of individuals who filed declarations in support of
16 defendant's opposition to plaintiffs' motion for class certification. Defendant opposes the depositions
17 on the ground that pre-certification discovery is closed, and relies on a July 10, 2009 minute order which
18 set out a schedule for class certification proceedings. Plaintiffs assert that the July 24, 2009 deadline
19 in the minute order only related to written discovery, that defendant will not be prejudiced by allowing
20 the depositions to go forward, and that without the depositions plaintiffs are at a significant disadvantage
21 with regard to litigating the class certification motion.

22 The Court finds that the minute order, when read in conjunction with the parties' July 2, 2009
23 case management statement, is ambiguous as to whether the July 24, 2009 discovery deadline related
24 to all pre-certification discovery, or solely written discovery. The Court will permit plaintiffs to take
25 the noticed depositions. In the interest of fairness, if defendant wishes defendant may also take three
26 four-hour depositions of plaintiffs' class certification declarants. By January 18, 2010, defendant shall
27 notify plaintiffs if defendant wishes to take these depositions, and if so the parties shall immediately
28 meet and confer regarding scheduling. In the event defendant takes depositions, defendant may file no

1 later than **February 12, 2010**, a surreply of no more than 5 pages regarding the depositions as they
2 relate to the certification motion.

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4 **IT IS SO ORDERED.**

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6 Dated: January 14, 2010



SUSAN ILLSTON
United States District Judge